



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/944,108      | 09/04/2001  | Troy J. Liebl        | 114293-1622         | 1735             |

30734 7590 07/14/2006

BAKER & HOSTETLER LLP  
WASHINGTON SQUARE, SUITE 1100  
1050 CONNECTICUT AVE. N.W.  
WASHINGTON, DC 20036-5304

|          |
|----------|
| EXAMINER |
|----------|

GOOD JOHNSON, MOTILEWA

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2628

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/944,108

Applicant(s)

LIEBL ET AL.

Examiner

Motilewa Good-Johnson

Art Unit

2628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-15 and 17-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-15 and 17-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1, 3-15 and 17-22 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 1, 12, 17 and 21 add the limitation of "the order arranged by at least one of a technician **and** an end user in any desired order".

Applicants remarks relies upon the Board discloses that states the arranging is not limited to "the technician **or** end user", and further that the claims are amended to recite the order arranged by a technician or end user, page 7, remarks. Examiner therefor concludes upon review of Applicants specification that the recited portion of the order arranged by a technician and an end user are not supported.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2628

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 3-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gurne et al., U.S. Patent Number 6,181,992 B1, "Automotive Diagnostic Service Tool with Hand Held Tool and Master Controller", class 701/29.

Regarding claim 1, Gurne discloses a method of displaying automotive service data on a diagnostic tool, comprising the steps of: displaying a list of performance measurements, descriptions and values (a menu display providing options and function keys, col. 6, lines 34-40, see also figure 6); scrolling through said list of measurement descriptions and values (direction arrow keys to scroll the menu, col. 7, lines 9-10) selecting a measurement from said list (system selection screen to select the vehicle diagnosis option, col. 7, lines 19-26) and displaying a graphical representation of said selected measurement over time (displaying graphical information dynamically; see figure 12, col. 16, lines 24-35)

However, it is noted that Gurne fails to disclose arranging the order in which said measurement description and values are displayed.

Gurne discloses visually describing what steps are to be taken and in what order and the units are designed to user forms of routines and each routine can be thought of as a series of steps, col. 15, lines 28-36.

Art Unit: 2628

It would have been obvious to one of ordinary skill in the art at the time of the invention to arrange the order of the measurement and values to allow a technician to perform the required action based upon the form of routine steps.

Regarding claim 3, Gurne discloses selecting the font for at least one entry in said list of performance measurements (allowing a user to define customized templates by selecting parameters a user wishes to display by entering characters to identify the template, col. 10, lines 39-67)

Regarding claim 4, Gurne discloses selected font differentiates said entry from the other entries in said list (highlighting an item containing characters, to indicate selection of a desired item, col. 7, lines 1-18)

Regarding claim 5, Gurne discloses selected font is a different color from the other entries in said list (highlighting an item containing characters to select a desired item, col. 7, lines 1-18. It is inherent that highlighting is used to differentiate between characters.)

Regarding claim 6, Gurne discloses selecting the performance measurement to be displayed in said list from a group of available measurements (a list of selected measurements, figure 6)

Art Unit: 2628

Regarding claim 7, Gurne discloses receiving said performance measurement values from a vehicle onboard computer (using the hand held tool to receive communication information, i.e. measurement values, from vehicle controller systems, col. 5, lines 22-27)

Regarding claim 8, Gurne discloses varying the time axis of the graphical representation of said selected measurement over a portion of said measurement before displaying said graphical representation (display data graphs and templates that define which variables will be displayed as charts or text, col. 16, lines 35-39)

Regarding claim 9, Gurne discloses varying step includes expanding the time axis over a discrete portion of said axis (the hand held unit as a data logger and allow the user to select vehicle parameters on a real time basis and further discloses the logging information represents a snapshot or window of information of which the user can freeze in time as well as the parameters around the time of the trigger, col. 11, lines 10-54)

Regarding claim 10, Gurne discloses performance measurements are engine performance measurements (using the tool in vehicle controller systems such as the engine, col. 6, lines 25-27)

Regarding claim 11, Gurne discloses moving selected performance measurement descriptions and values to the top of said list to arrange the order in which the entries are listed (allowing a user to enter the customization mode and select from a list of parameters, i.e. performance measurements, that the user wishes to display, col. 10, lines 39-47)

5. Claims 12-15, 17-22 rejected under 35 U.S.C. 103(a) as being unpatentable over Gurne in view of Rosenberg.

Regarding claim 12, Gurne discloses apparatus for displaying automotive service data, comprising: a display screen (20) a pair of switches that receive input directing data to scroll up and down on said display screen (a toggle up and down button, 68) a selection switch for selecting a data item displayed on said display screen (a switch, 70) a graphics program for generating a graphical representation to be displayed on said display screen of said selected data item; (a programming mode, col. 10, lines 20-25) and wherein said selected data item is an engine performance measurement (using the tool in vehicle controller systems such as the engine, col. 6, lines 25-27)

Gurne discloses a split window, with a digital multi mode and a suspended operation and allowing the technician to toggle between the operations and further allow the technician to perform different types of reading simultaneously, col. 8, lines 4-44.

However, it is noted that Gurne fails to disclose a first graphical representation and a second graphical representation by varying a time axis of the first graphical representation and displaying both simultaneously.

Rosenburg discloses a graphics program for generating a context display for displaying a representation of a data set, i.e. a first graphical representation, and a zoom discloses for displaying a representation of a zoom interval within the data set, i.e. a second graphical representation of selected data, a context indicator that indicates a start point or an end point of a zoom interval within a context display, i.e. varying a time axis of the first graphical representation of said selected data over time.

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the displaying of automotive service data as disclosed in Gurne, a first and second graphical representation simultaneously as disclosed by Rosenberg to allow different types of readings simultaneously for the technician to view a time frame for a different procedure.

Regarding claim 13, Gurne discloses pair of switches and selection switch shares a single input button on said apparatus (functions keys to perform screen toggle and further discloses the function keys may be configurable through software, col. 6, lines 40-47)

Regarding claim 14, Gurne fails to disclose display screen is a touch screen.



Gurne does however disclose providing function keys and function key describer in the form of an icon.

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement the display screen of Gurne as a touch screen, because it is well known in the art that the selection of an icon is performed by input means, which may include touch.

Regarding claim 15, Gurne discloses display screen is an LCD screen.  
(LCD display screen, col. 4, lines 1-3)

Regarding claim 17, Gurne discloses apparatus for display automotive service data, comprising: display means for displaying a list of engine performance descriptions and measurements (a display menu, figure 6) selection means for selecting at least one of said engine performance measurements to be displayed in a graphical representation (system selection screen to select the vehicle diagnosis option, col. 7, lines 19-26) wherein said graphical representation is displayed in the list of engine performance descriptions and measurements (using the tool in vehicle controller systems such as the engine, col. 6, lines 25-27)

However, it is noted that Gurne fails to disclose a first graphical representation and a second graphical representation by varying a time axis of the first graphical representation and displaying both simultaneously.

Art Unit: 2628

Gurne discloses a split window, with a digital multi mode and a suspended operation and allowing the technician to toggle between the operations and further allow the technician to perform different types of reading simultaneously, col. 8, lines 4-44.

It would have been obvious to one of ordinary skill in the art at the time of the invention to include displaying a first and second graphical representation simultaneously because Gurne allows for different types of reading simultaneously and the technician may desire to view the time frame for a different procedure.

Regarding claim 18, Gurne discloses input means for receiving data representative of said performance measurement from a vehicle on board computer (hand held unit which operates as a digital multi meter in which electrical readings, i.e. measurements, from a vehicle are input to the hand held unit for display, col. 7, lines 53-67)

Regarding claim 19, Gurne discloses port means for receiving programs for converting data received from said on board computer for display (ports for receiving expansion modules that allow the hand held to communicate with different devices and interpret, i.e. convert, the information, col. 11, lines 55 – col. 12, line12)

Art Unit: 2628

Regarding claim 20, Gurne discloses port receives a flash card (flashable memory, col. 6, lines 42-55)

Regarding claim 21, Gurne discloses a method of displaying automotive service data . . . comprising the steps of: displaying a list of performance measurements, descriptions and values (a menu display providing options and function keys, col. 6, lines 34-40, see also figure 6) scrolling through said list of measurement descriptions and values (direction arrow keys to scroll the menu, col. 7, lines 9-10) selecting a measurement from said list (system selection screen to select the vehicle diagnosis option, col. 7, lines 19-26) and displaying a graphical representation of said selected measurement over time (displaying graphical information dynamically; see figure 12, col. 16, lines 24-35)

However, it is noted that Gurne fails to disclose a first graphical representation and a second graphical representation by varying a time axis of the first graphical representation and displaying both simultaneously.

Rosenburg discloses a graphics program for generating a context display for displaying a representation of a data set, i.e. a first graphical representation, and a zoom discloses for displaying a representation of a zoom interval within the data set, i.e. a second graphical representation of selected data, a context indicator that indicates a start point or an end point of a zoom interval within a context display, i.e. varying a time axis of the first graphical representation of said selected data over time.

Art Unit: 2628

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the displaying of automotive service data as disclosed in Gurne, a first and second graphical representation simultaneously as disclosed by Rosenberg to allow different types of readings simultaneously for the technician to view a time frame for a different procedure.

Regarding claim 22, Gurne discloses the selected data is an engine performance measurement (using the tool in vehicle controller systems such as the engine, col. 6, lines 25-27)

### ***Response to Arguments***

6. Applicant's arguments filed 05/08/2006 have been fully considered but they are not persuasive.

Applicants remarks relies upon the Board discloses that states the arranging is not limited to "the technician *or* end user", and further that the claims are amended to recite the order arranged by a technician or end user, page 7, remarks. Examiner therefor concludes upon review of Applicants specification that the recited portion of the order arranged by a technician and an end user are not supported.

Applicant remarks, page 7, states that the prior art cited by Examiner and Board fail to disclose the graphics program can vary the length of the time axis driving different intervals of the performance measurement. It is the

Art Unit: 2628

interpretation of the Examiner that Rosenberg discloses varying the length, by the selection of the context indicator to indicate the start and end point within a zoom interval of a context display.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Motilewa Good-Johnson whose telephone number is (571) 272-7658. The examiner can normally be reached on Monday, Tuesday and Wednesday 9:00 AM - 6:30 PM.

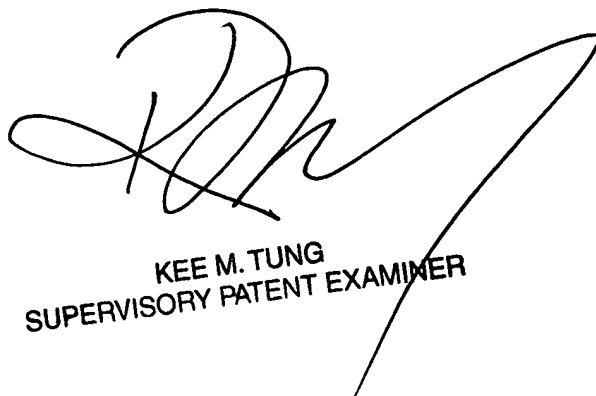
Art Unit: 2628

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on (571) 272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Motilewa Good-Johnson  
Examiner  
Art Unit 2628

mgj



KEE M. TUNG  
SUPERVISORY PATENT EXAMINER